

**UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|  |   |                                       |
|--|---|---------------------------------------|
| <b>UNITED STATES OF AMERICA</b>        | ) |                                       |
| <b>Plaintiff,</b>                      | ) |                                       |
|  | ) |                                       |
| v.                                     | ) | <b>CIVIL ACTION NO. 2:07cv514-WKW</b> |
|  | ) |                                       |
| <b>SIXTEEN THOUSAND FIVE HUNDRED</b>   | ) |                                       |
| <b>FIFTY TWO (\$16,552) DOLLARS IN</b> | ) |                                       |
| <b>UNITED STATES CURRENCY</b>          | ) | <b>October 17, 2007</b>               |
| <b>Defendant.</b>                      | ) |                                       |

**CLAIMANT'S MOTION TO STAY PROCEEDINGS**

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Comes now the Claimant, Gerderrick Moncrief (hereinafter Mr. Moncrief), by and through undersigned counsel, and moves this Honorable Court to Stay all proceedings in the above-styled case, presents as his reasons for these motions, the following:

1. The Plaintiff has subpoenaed Mr. Moncrief for depositions on October 22, 2007.
2. Mr. Moncrief is one of three defendants in a state criminal action in the Montgomery County Court. The arrests which led to said criminal action gave rise to law enforcement officers seizing the Defendant, \$16,552 in United States Currency, from Mr. Moncrief's home.
3. If Mr. Moncrief is required to sit for a deposition in this civil case before this court, his testimony may be used against him in the criminal proceeding. Mr. Moncrief is not required to give testimony in a criminal proceeding and may not be compelled to give testimony that may incriminate him in a criminal proceeding. It would violate his rights against self incrimination under the Fifth Amendment to the U.S. Constitution.
4. The requested Stay would apply to all discovery in the case, including noticed depositions, and any responses to discovery which has been served by either party.

5. Additionally, Mr. Moncrief would desire to testify if this matter proceeds to trial in this Court before the state criminal matter is resolved; however, he would be risking having to provide testimony that might incriminate him in the state criminal matter.

6. Counsel for the United States does not oppose this motion.

WHEREFORE, Claimant Moncrief Moves this Court to Stay the Proceedings in this matter, pending the outcome of the Montgomery County Court criminal charges pending against him.

Respectfully submitted, this the 16<sup>th</sup> day of October, 2007.

/s/ Joseph C. Guillot  
Joseph C. Guillot (GUI011)  
OF COUNSEL:  
**McPHILLIPS SHINBAUM, L.L.P.**  
P. O. Box 64  
Montgomery, AL 36101  
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Facsimile – (334) 263-2321

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing Motion to Stay or in the Alternative Motion to Quash Deposition Subpoena via the Court's electronic filing system and U.S. Mail, postage prepaid and properly addressed, upon the following counsel for the United States:

John T. Harmon, Esq.  
Assistant United States Attorney  
201 One Court Square (36104)  
P.O. Box 197  
Montgomery Alabama 36101-0197

This the 16<sup>th</sup> day of October, 2007.

/s/ Joseph C. Guillot  
Of Counsel